

S.R. 94 - By Truan: Extending congratulations to Sister Agnes Marie Tengler of Corpus Christi for her unwavering commitment to the education of the young people of Texas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:04 p.m. adjourned, in loving memory of Helen Farabee, until 11:00 a.m. tomorrow.

TENTH DAY (Wednesday, February 8, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, as the session opens today, let it begin with a spirit of unison, and create in each of us a desire to know what it is to walk in another's shoes. May all our thoughts this day be directed toward relieving the burdens and anxiety of others. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 7
S.C.R. 19
H.C.R. 22
H.C.R. 43

REPORTS OF STANDING COMMITTEES

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 79
C.S.S.B. 264
C.S.S.B. 52
C.S.S.B. 127

Senator Sims submitted the following report for the Committee on Administration:

H.C.R. 20

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 137
S.B. 335
C.S.S.B. 315

Senator Parker submitted the following report for the Committee on Education:

S.B. 78
S.B. 96

Senator Caperton submitted the following report for the Committee on Finance:

S.B. 338

MESSAGE FROM THE HOUSE

House Chamber
February 8, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 29, Declaring February 5-11, 1989, to be Burn Awareness Week in Texas.

H.C.R. 65, Recognizing the accomplishments of the Texas Public Health Association and declaring February 14, 1989, as Public Health Day in Texas.

H.C.R. 32, Inviting Chief Justice Phillips to address a joint session.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 17 by Zaffirini Criminal Justice
Proposing a constitutional amendment authorizing commissioners courts of counties to set reasonable fees for services provided in criminal cases to be assessed against defendants on conviction.

S.J.R. 18 by Brooks Finance
Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of nonprofit veterans organizations.

S.J.R. 19 by Barrientos, Sims, Carriker Economic Development
Proposing a constitutional amendment to create a fire department emergency fund and to authorize the state to provide scholarships, grants, loans, and other financial assistance to local fire departments and other public fire-fighting organizations in the state using money collected from gross premiums taxes on fire insurance.

- S.J.R. 20** by Brown Finance
Proposing a constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of nonprofit veterans organizations.
- S.J.R. 21** by Henderson State Affairs
Proposing a constitutional amendment relating to qualifications for office of certain judges.
- S.J.R. 22** by Caperton State Affairs
Proposing a constitutional amendment relating to the appointment of appellate justices and judges and certain district judges by the governor and to confirmation elections on a nonpartisan ballot of those justices and judges.
- S.C.R. 35** by Krier Education
Encouraging the State Board of Education to take steps to require that in-service training for teachers provides the most current information on identifying and reporting child abuse.
- S.C.R. 36** by Brown Jurisprudence
Granting the Brazos River Harbor Navigation District permission to sue the State, School Land Board and the General Land Office.
- S.C.R. 37** by Henderson Jurisprudence
Granting Sibley and Associates permission to sue the State of Texas and the University of Houston System.
- S.C.R. 38** by Brown Jurisprudence
Granting the Engineering Directions Personnel Services, Inc., permission to sue the State of Texas and The University of Texas System.
- S.B. 344** by Uribe Criminal Justice
Relating to returning a criminal cause to the original county on completion of trial after a change of venue.
- S.B. 345** by Uribe Criminal Justice
Relating to the peremptory challenge of prospective jurors on racial grounds.
- S.B. 346** by Uribe Criminal Justice
Relating to affirmative findings in a criminal case regarding the use or exhibition of a deadly weapon during the commission of a felony.
- S.B. 347** by Uribe Criminal Justice
Relating to the deposition of a witness and discovery in a criminal case.
- S.B. 348** by Uribe Criminal Justice
Relating to jury instructions at the penalty phase in capital cases.
- S.B. 349** by Uribe Criminal Justice
Relating to the manner in which bail is taken in a criminal case.
- S.B. 350** by Uribe Criminal Justice
Relating to the availability of deferred adjudication for certain defendants.
- S.B. 351** by Uribe Criminal Justice
Relating to allowing a jury in a criminal case to separate before the rendering of a verdict.
- S.B. 352** by Montford Natural Resources
Relating to temporary additional weight permits for certain vehicles used for agricultural purposes.

- S.B. 353** by Montford Natural Resources
Relating to the transport of seed cotton modules and cotton on a state highway.
- S.B. 354** by Zaffirini Education
Relating to issuance, renewal, and suspension of certain drivers' licenses.
- S.B. 355** by Zaffirini Health and Human Services
Relating to court-ordered mental health treatment of a prisoner who is charged with a misdemeanor.
- S.B. 356** by Zaffirini Criminal Justice
Relating to fees for services provided in criminal cases.
- S.B. 357** by Brooks State Affairs
Relating to the creation and operation of a sick leave pool to benefit certain state employees who suffer a catastrophic illness or injury.
- S.B. 358** by Zaffirini Jurisprudence
Relating to costs imposed on conviction of certain offenses to provide funds for victims of crime.
- S.B. 359** by Zaffirini Jurisprudence
Relating to the definition of "pecuniary loss" under the Crime Victims Compensation Act.
- S.B. 360** by Zaffirini Jurisprudence
Relating to the maximum amount of awards made to certain claimants under the Crime Victims Compensation Act.
- S.B. 361** by Zaffirini Jurisprudence
Relating to the compensation of certain crime victims.
- S.B. 362** by Montford Jurisprudence
Relating to an exemption from jury service for primary and secondary school teachers and administrators.
- S.B. 363** by Zaffirini, Barrientos, Truan, State Affairs
Uribe, Parmer, Santiesteban, Tejeda, Edwards
Relating to a designation of the anniversary of the signing of the Treaty of Guadalupe Hidalgo as a legal holiday.
- S.B. 364** by Henderson Intergovernmental Relations
Relating to the authority of the commissioners courts of certain counties to set maximum speed limits on highways, roads, and streets that provide access to county toll roads and similar thoroughfares.
- S.B. 365** by Leedom Finance
Relating to a source of financing for the State Pension Review Board.
- S.B. 366** by Zaffirini Intergovernmental Relations
Relating to the maintenance of employee records and personnel files of peace officers and fire fighters; providing penalties.
- S.B. 367** by Barrientos, Edwards Education
Relating to participation by certain school districts in the Communities in Schools program.
- S.B. 368** by Parmer State Affairs
Relating to eligibility for service retirement benefits from, an increase in benefits for certain annuitants of, and state contributions to, the Teacher Retirement System of Texas.

- S.B. 369** by Zaffirini Education
Relating to public school supervisors and guidance counselors.
- S.B. 370** by Santiesteban Natural Resources
Relating to the creation, administration, and powers of the Texas Rivers Protection System; providing civil and criminal penalties.
- S.B. 371** by Barrientos, Truan Education
Relating to certain job-training service providers and programs.
- S.B. 372** by Barrientos, Sims Economic Development
Relating to the creation, administration, and operation of the fire department emergency program under the jurisdiction of the Fire Department Emergency Board, and to funding of the program by an increase in the maintenance tax on the gross premiums of certain types of insurance.
- S.B. 373** by Barrientos Jurisprudence
Relating to a parent's duty to support a child of the parent's child and the creation of a criminal offense for nonsupport of the child.
- S.B. 374** by Zaffirini Intergovernmental Relations
Relating to the application of the professional prosecutors law to the district attorney of the 22nd Judicial District.
- S.B. 375** by Brown Health and Human Services
Relating to the testing of inmates of the Texas Department of Corrections for AIDS and HIV and for controlled substances.
- S.B. 376** by Brown, Santiesteban Criminal Justice
Relating to the availability of release on personal bond for certain defendants.
- S.B. 377** by Brown Criminal Justice
Relating to the punishment of murder of emergency medical services personnel as a capital offense.
- S.B. 378** by Leedom State Affairs
Relating to the dismissal of the charge of driving with an expired motor vehicle registration, an expired driver's license, or an expired vehicle inspection certificate, if the defendant has remedied the defect within seven days of the date of the violation; providing for an administrative fee not to exceed \$10 for said dismissal.
- S.B. 379** by Zaffirini Finance
Relating to the correction of certain property tax records.
- S.B. 380** by Brown Intergovernmental Relations
Relating to the authority of a commissioners court to establish direct electronic access to certain county and district court records.
- S.B. 381** by Brown Natural Resources
Relating to the sale of mixtures of gasoline and alcohol; providing penalties.
- S.B. 382** by Brown Intergovernmental Relations
Relating to the maintenance and disposition of certain county records.
- S.B. 383** by Zaffirini Natural Resources
Relating to use or possession of a glass container within 300 yards of a river, lake, or stream; providing a penalty.
- S.B. 384** by Brown Jurisprudence
Relating to the appellate judicial system in the First, Fifth, and Fourteenth Court of Appeals Districts.

- S.B. 385** by Brown Economic Development
Relating to initial appointments to the windstorm and hail insurance advisory committee.
- S.B. 386** by Zaffirini Intergovernmental Relations
Relating to the creation of a judicial district composed of Dimmit, Maverick, and Zavala counties.
- S.B. 387** by Whitmire Criminal Justice
Relating to the financing, design, construction, operation, maintenance, management, purchase, lease-purchase or lease of substance abuse correctional facilities and making an appropriation therefor.
- S.B. 388** by Zaffirini Jurisprudence
Relating to the offense of interfering with child custody.
- S.B. 389** by Parker State Affairs
Relating to the speed at which certain vehicles transporting poles for the maintenance of electric power transmission and distribution lines may be operated.
- S.B. 390** by Lyon Intergovernmental Relations
Relating to complaints about and disciplinary measures taken against certain law enforcement officers or fire fighters.
- S.B. 391** by Krier Jurisprudence
Relating to the arbitration or conciliation of international commercial disputes.
- S.B. 392** by Krier Jurisprudence
Relating to providing a credit reporting bureau or similar organization with credit information regarding a person who is behind in child support payments.
- S.B. 393** by Krier Education
Relating to age requirements for compulsory school attendance.
- S.B. 394** by Krier Education
Relating to age requirements for high school equivalency examinations.
- S.B. 395** by Krier Jurisprudence
Relating to the clarification of orders, decrees, and judgments not specific enough to be enforced by contempt in suits affecting the parent-child relationship.
- S.B. 396** by Krier Jurisprudence
Relating to the transfer of gifts to individuals under the age of 21 years.
- S.B. 397** by Krier State Affairs
Relating to access to computer information maintained by the secretary of state.
- S.B. 398** by Krier State Affairs
Relating to the method of filing certain political funds reports immediately before an election.
- S.B. 399** by Krier Jurisprudence
Relating to a bond or security deposit in connection with child support payments.
- S.B. 400** by Krier Jurisprudence
Relating to personal property exempt from seizure by an unsecured creditor.
- S.B. 401** by Krier Jurisprudence
Relating to children who have no presumed fathers.
- S.B. 402** by Zaffirini Health and Human Services
Relating to certain information about missing children, missing persons, and unidentified bodies.

- S.B. 403** by Krier, Glasgow Criminal Justice
Relating to the punishment for an offense if the victim is 65 years of age or older.
- S.B. 404** by Henderson State Affairs
Relating to an exemption from the open records law for college transcripts maintained in the personnel files of certain school personnel.
- S.B. 405** by Barrientos, Truan Education
Relating to the assignment of a pregnant student to a special education class.
- S.B. 406** by Barrientos Education
Relating to temporary disability leave for full-time public school employees.
- S.B. 407** by Caperton State Affairs
Relating to the appointment of appellate justices and judges and certain district judges and to the election on confirmation of those justices and judges.
- S.B. 408** by Caperton Economic Development
Relating to provision of certain motor vehicle insurance information after a motor vehicle accident.
- S.B. 409** by Harris Economic Development
Relating to the regulation of accident and health, and Medicare supplement insurance.
- S.B. 410** by Caperton Jurisprudence
Relating to certain insurance coverage for spouses who separate or divorce.
- S.B. 411** by Parker Economic Development
Relating to the continuation of the Texas Department of Labor and Standards under the new name, the Texas Department of Licensing and Regulation, and to the administration and functions of that department; providing penalties.
- S.B. 412** by Caperton Intergovernmental Relations
Relating to filling a vacancy in the office of county commissioner.
- S.B. 413** by Harris Economic Development
Relating to the form and effect of a loan agreement.
- S.B. 414** by Caperton Natural Resources
Relating to the establishment of motor vehicle emission inspection and maintenance programs.
- S.B. 415** by Caperton State Affairs
Relating to the powers and duties of the Office of Public Insurance Counsel.
- S.B. 416** by Parmer Criminal Justice
Relating to the forfeiture of certain property related to felony offenses and to the offense of illegal investment under the Texas Controlled Substances Act.
- S.B. 417** by Green Education
Relating to the continuation, operation, and administration of the Central Education Agency and to the participation of the Central Education Agency and certain other state agencies in a competitive cost review program; providing a penalty.
- S.B. 418** by Green Education
Relating to textbooks and to the continuation, membership, operation, and administration of the State Textbook Committee.

- S.B. 419** by Carriker Intergovernmental Relations
Relating to the supplemental compensation paid a district judge in certain counties.
- S.B. 420** by Edwards Economic Development
Relating to the authority of nonprofit corporations to provide insurance and other arrangements to secure the liability of certain officers and other personnel.
- S.B. 421** by Brown, Leedom, McFarland, Bivins Jurisprudence
Relating to the prohibition of sex-selection abortions; providing a penalty.
- S.B. 422** by Armbrister Natural Resources
Relating to the regulation of underground storage tank installers; providing a penalty.
- S.B. 423** by McFarland, Sims, Parker Natural Resources
Relating to establishing a groundwater protection cleanup program and a petroleum storage tank remediation fund for the cleanup of releases from certain petroleum storage tanks.
- S.B. 424** by Whitmire Education
Relating to the possession of paging devices by public school students.
- S.B. 425** by Montford State Affairs
Relating to the operation of an electric cooperative.

CO-AUTHOR OF SENATE BILL 403

On motion of Senator Krier and by unanimous consent, Senator Glasgow will be shown as Co-author of **S.B. 403**.

GUEST PRESENTED

Senator Dickson was recognized and presented Dr. Ralph C. Bailey of Gatesville.

The Senate welcomed Dr. Bailey, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE RESOLUTION 75

Senator Sims offered the following resolution:

S.R. 75. Commending fifth and sixth grade students at Hunt Elementary School for their participation in free enterprise programs.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Sims was recognized and introduced these fifth and sixth grade students seated in the Gallery.

The Senate extended a welcome to these guests.

SENATE RESOLUTION 88

Senator Bivins offered the following resolution:

WHEREAS, On Wednesday, February 8, 1989, many proud residents of Amarillo will travel to the State Capitol to celebrate Amarillo Day in Austin; and

WHEREAS, Located on the Potter-Randall county line, the area was first settled by railroad construction workers in 1887 when the Fort Worth and Denver City Railroad was constructed across Potter County; and

WHEREAS, The commercial, cultural, and recreational center of the Texas Panhandle, the City of Amarillo enjoys a prosperous economy based on farming, ranching, oil and gas, and manufacturing; and

WHEREAS, With its proximity to the rich natural gas and oil fields of the Panhandle, Amarillo has become a national leader in oil and gas production and a major energy center; and

WHEREAS, Situated in a major crop and livestock production region, Amarillo is home to the world's largest equine registry, the American Quarter Horse Association, and the world's largest cattle auction, the Amarillo Livestock Auction; and

WHEREAS, Amarillo has a superb climate, with its air rated cleanest in the nation for a city of its size; the city is the world's largest producer of helium; and

WHEREAS, One of the state's most livable cities, Amarillo has numerous recreational and cultural amenities, including six libraries, four museums, fifty-nine parks, and eight golf courses; and

WHEREAS, Amarillo continues to support such outstanding educational institutions as Amarillo College, Texas State Technical Institute, and West Texas State University; in addition, it is a leader in medical research, with such facilities as the Texas Tech University Health Sciences Center and the Amarillo Medical Center offering excellent medical services to citizens throughout the area; and

WHEREAS, While continuing to base its economy on energy, agriculture, and medicine, civic leaders and the Amarillo Chamber of Commerce continue to attract new manufacturing industries to this Panhandle community to assure its future role as one of Texas' major cities; and

WHEREAS, It is indeed appropriate that the Texas Senate recognize the City of Amarillo and its fine citizens for their contributions and accomplishments; now, therefore, be it

RESOLVED, That the Senate of the 71st Legislature of the State of Texas hereby recognize February 8, 1989, as Amarillo Day in Austin.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Bivins was recognized and introduced the cast of "Texas" from Amarillo, seated in the Gallery, and escorted the Honorable Glen Parkey, Mayor of Amarillo, to the President's Rostrum.

The Senate welcomed these guests.

SENATE RESOLUTION 81

Senator Barrientos offered the following resolution:

S.R. 81, Declaring Luan Zheng xi, Wu Rusen, Hu Licheng, Shen Wenjiang, Liu Cuoshi, Li Zhengquen and Dong Chun of the People's Republic of China as Honorary Texans.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Barrientos escorted the guests to the President's Rostrum.

The President presented enrolled copies of S.R. 81 to them and welcomed them as guests of the Senate.

SENATE BILL 193 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 193. Relating to operation of a work force development incentive program.

The bill was read second time.

Senator Ratliff offered the following committee amendment to the bill:

Amend **S.B. 193**, Subdivision (1), Subsection (b), Section 4.006, SECTION 1, by inserting the phrase "technical institutes," following the word "districts," and before the word "public".

Amend **S.B. 193**, Subsection (d), Section 4.006, SECTION 1, by inserting the phrase "technical institute," following the word "school," and before the word "junior".

Amend **S.B. 193**, Subdivision (1), Subsection (b), Section 481.076, SECTION 2, by inserting the phrase "technical institutes," following the word "districts," and before the word "public".

Amend **S.B. 193**, Subsection (d), Section 481.076, SECTION 2, by inserting the phrase "technical institute," following the word "school," and before the word "junior".

The committee amendment was read and was adopted viva voce vote.

Senator Parmer offered the following amendment to the bill:

Amend **S.B. 193** as follows:

- 1) On page 1, line 56, delete "and"
- 2) On page 1, between lines 58 and 59, insert "the Texas Department of Human Services,"
- 3) On page 1, line 59, delete ";" and insert in its place ";"
- 4) On page 1, between lines 59 and 60, insert

"(3) whenever acting in cooperation with another state agency to obtain recommendations of persons for training, and where feasible, give priority to individuals who meet the following qualifications, in descending order of priority with (i) having the highest priority:

 - (i) Texas residents receiving financial or other aid through a state or federal assistance program such as, but not limited to, Aid to Families with Dependent Children (42 U.S.C.A. § 601, et seq.), Food Stamps (7 U.S.C.A. § 2011, et seq.), and Unemployment Compensation (42 U.S.C.A. § 501, et seq.);
 - (ii) unemployed Texas residents; and
 - (iii) all other Texas residents;

4) attempt to maximize the availability and use of federal matching funds; and

5) report to the legislature at the end of each fiscal year on the number of individuals served by category in the priority groups specified in Subsection 3 of this subsection."
- 5) On page 2, line 37, delete "and"

6) On page 2, between lines 39 and 40, insert "the Texas Department of Human Services,"

7) On page 2, line 40, delete ";" and insert in its place "1"

8) On page 2, between lines 40 and 41, insert

"3) whenever acting in cooperation with another state agency to obtain recommendations of persons for training, and where feasible, give priority to individuals who meet the following qualifications, in descending order of priority with (i) having the highest priority:

(i) Texas residents receiving financial or other aid through a state or federal assistance program such as, but not limited to, Aid to Families with Dependent Children (42 U.S.C.A. § 601, et seq.), Food Stamps (7 U.S.C.A. § 2011, et seq.), and Unemployment Compensation (42 U.S.C.A. § 501, et seq.);

(ii) unemployed Texas residents; and

(iii) all other Texas residents;

4) attempt to maximize the availability and use of federal matching funds; and

5) report to the legislature at the end of each fiscal year on the number of individuals served by category in the priority groups specified in Subsection 3 of this subsection."

The amendment was read and was adopted viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 193 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 193** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 220 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 220, Relating to conforming the Local Government Code to certain Acts of the 70th Legislature, to nonsubstantively codifying in that code certain related statutes, and to making certain corrective and conforming amendments.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 220** as follows:

(1) On page 318, between lines 8 and 9, insert the following:

"However, an item included in the capital improvements plan may not be required to be constructed except in accordance with Section 395.019(2), and an owner may not be required to construct or dedicate facilities and to pay impact fees for those facilities."

(2) On page 324, strike Subsection (d).

The committee amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 220 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 220 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 221 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 221. Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes and conforming codifications enacted by the 70th Legislature to other acts of that legislature.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend S.B. 221 as follows:

(1) On page 54, strike lines 1-6 and substitute the following:

Section 25.0003 and other law:[:]

(1) the County Court at Law No. 2 of McLennan County has, concurrent with the county court, the probate jurisdiction provided by general law for county courts; and

(2) a county court at law has concurrent jurisdiction with the

(2) On page 56, strike lines 16-20 and substitute the following:

County also has, concurrent with the county court, the probate jurisdiction provided by general law for county courts. A county court at law also has concurrent jurisdiction with the

(3) On page 56, lines 22 and 25, and on page 57, line 1, strike "(A)", "(B)", and "(C)", and substitute "(1)", "(2)", "(3)", respectively.

(4) On page 61, line 14, insert "(e)," between "(b)," and "(h),".

(5) On page 62, insert the following between lines 10 and 11:

- (e) The judge of the County Court at Law No. 2 or 3 of Tarrant County must:
- (1) be a citizen of the United States and of this state;
 - (2) have practiced law in this state or been a judge of a court in the state for the four years immediately preceding election or appointment; and
 - (3) have resided in the county for the two years immediately preceding election or appointment.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 221 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 223 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 223, Relating to conforming the Executive Title of the Government Code to certain Acts of the 70th Legislature and to nonsubstantively codifying in that title certain related statutes.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 223 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 223 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 38 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 38, Relating to the inclusion of Tarrant County District Court magistrates in the listings of magistrates and of courts with criminal jurisdiction.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 38 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 208 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 208. Relating to the examination of witnesses and statements made before a grand jury.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 208 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 208 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 8 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 8. Relating to bid security for certain navigation districts.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 8 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 12 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were

suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 12, Relating to the creation of the offense of arson of open-space land.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 12 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 12** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 132 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 132, Relating to a security instrument of an owner or operator of a natural gas liquid pipeline.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 132 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 132** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 236 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 236, Relating to the addition of independent ginning services to other ginning services eligible to hold an agricultural permit.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 236 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 236** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

MEMORIAL RESOLUTION

S.R. 96 - By Sims: In memory of Frank A. Martinez of San Angelo.

CONGRATULATORY RESOLUTIONS

S.R. 95 - By Brown: Extending congratulations to Kirby Krause for his loyalty to the Knights of Columbus.

S.R. 97 - By Zaffirini: Extending congratulations to Cub Scout Pack Number 201 of the United Day School in Laredo.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:49 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(February 6, 1989)

H.C.R. 9

ELEVENTH DAY

(Thursday, February 9, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent: Santiesteban.

Absent-excused: Dickson.

A quorum was announced present.

Pastor James W. Clark of Calvary Baptist Church, Seagoville, Texas, offered the invocation as follows:

To the God of all this universe, to the One who has set all authorities and power in place we give praise and honor on this morning. We thank You that we have the glorious privilege of living in the great State of Texas. We thank You for these individuals who have come to govern this State, and we pray that this morning You would give them wisdom, that You would give them insight and that You would give them vision into all the business that is to be conducted today. Father, we pray that even as we conduct business You would remind us of Your love and Your grace, that we would seek Your mercy, that we would seek Your presence. We pray, Lord, that You would find here a place to be comfortable, a Senate that respects